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PTO/SB/66 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

01/23/2013 DALLEN 00000000 6152887

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2480.00 00

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6152887

Application Number 09/031,578

Issue Date 11/28/00

Filing Date 02/27/98

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

01/14/13

Date

Signature

Richard S. Blume

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ 2480.00	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2480.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1385 OG 162-164 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 0

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2480.00

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____

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7. OVERPAYMENT

As to any overpayment made please

- OR ☐ Credit to Deposit Account No. _____
- ☒ Send refund check


WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED



Signature(s) of Petitioner(s)

01/14/13

Date

Richard S. Blume

Typed or printed name(s)_____
Registration Number, if applicable

631-754-8576

Telephone Number

18 Beach Avenue

Address

Northport NY 11768

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES



Maintenance Fee Payment



Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)



USPTO Notice 1385 OG 162-164:

Relief Available to Patent Owners Affected by Hurricane Sandy - Delayed Maintenance Payment

Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by Hurricane Sandy

Relief Available to Patent and Trademark Applicants, Patentees and
Trademark Owners Affected by Hurricane Sandy

The United States Patent and Trademark Office (USPTO) considers the October and November 2012 effects of Hurricane Sandy in Connecticut, Delaware, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Maryland, Virginia, the District of Columbia, and the Appalachian region to be an "extraordinary situation" within the meaning of 37 CFR 1.183 and 37 CFR 2.146 for affected patent and trademark applicants, patentees, reexamination parties, and trademark owners.

For patent applications and reexamination proceedings pending in the USPTO as of October 29, 2012, having one or more inventors, an assignee, or a correspondence address in areas of Connecticut, Delaware, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Maryland, Virginia, the District of Columbia, and the Appalachian region affected by Hurricane Sandy, in which a reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding, and for which the statutory or non-statutory time period set for response has not yet expired, the USPTO will, on applicant's request, or a reexamination party's request, withdraw the Office communication and reissue it. The Office communication must have been outstanding on October 29, 2012. The request must be made prior to expiration of the statutory or non-statutory time period set for response and within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 37 CFR 1.956). The request must be accompanied by a copy of this notice in order to permit the Office to quickly identify it as a request for relief and facilitate timely processing. The inclusion of a copy of this notice will be treated as a representation that the need for the reissuance of the Office communication was due to the effects of Hurricane Sandy in October and November 2012. The request should be sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

For patentees who were unable to timely pay a patent maintenance fee due to the effects of Hurricane Sandy in October and November 2012, the USPTO will waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee and the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment when the patentee files the maintenance fee payment with a petition to accept a delayed maintenance fee under 37 CFR 1.378(c). See 37 CFR 1.183.

Patentees who seek to pay a maintenance fee during the six-month grace period following the window to pay the maintenance fee with a request to waive the surcharge in 37 CFR 1.20(h), must mail the payment and request to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or

via facsimile to: 571-273-6500.

The request must be accompanied by a copy of this notice in order to permit the Office to quickly identify it as a request for relief and facilitate timely processing. The inclusion of a copy of this notice with the payment of the maintenance fee during the grace period will be treated as a representation that the late payment of the fee was due to the effects of Hurricane Sandy in October and November 2012, and as a request for sua sponte waiver of the surcharge under 37 CFR 1.20(h). This waiver may only be appropriately requested where the original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after October 29, 2012, and the delay in paying the fee was due to the effects of Hurricane Sandy in October and November 2012.

December 18, 2012

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OFFICE

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The USPTO advises patentees who need to file a petition to accept a delayed maintenance fee payment due to the effects of Hurricane Sandy in October and November 2012, where the maintenance fee payment was required to have been paid after October 28, 2012, to promptly file a petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 - Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)) and a copy of this notice. The inclusion of a copy of this notice will be treated as a representation that the delay in payment of the maintenance fee was due to the effects of Hurricane Sandy in October and November 2012, and as a request for sua sponte waiver of the surcharge under 37 CFR 1.20(i). The petition must be filed by October 29, 2013, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).

Patentees are reminded that a petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C. 41(c). A petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) due to the effects of Hurricane Sandy may be submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A petition to accept a delayed maintenance fee payment filed later than twenty-four months after the expiration date of the patent must be filed under 37 CFR 1.378(b) and include a showing that the delay in payment was unavoidable. The USPTO will not waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment when the patentee files the maintenance fee payment with a petition to accept a delayed maintenance fee under 37 CFR 1.378(b).

For applicants who filed a nonprovisional application on or after October 29, 2012, and prior to November 30, 2012, without an executed oath or declaration or payment of the basic filing fee, search fee, and/or examination fee due to Hurricane Sandy in October and November 2012, the USPTO will waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee. Patent applicants seeking waiver of the surcharge must include a copy of this notice, along with the executed oath or declaration or the basic filing fee, search fee, or examination fee, in order to permit the Office to quickly identify it as a request for relief and facilitate timely processing. The inclusion of a copy of this notice will be treated as a representation that the late filing of the oath or declaration or the

basic filing fee, search fee, or examination fee was due to the effects of Hurricane Sandy in October and November 2012, and as a request for sua sponte waiver of the surcharge under 37 CFR 1.16(f). The reply to the Notice to File Missing Parts requiring the oath or declaration or the filing fees may be submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Patent-related inquiries concerning this notice may be directed to the Office of Patent Legal Administration at (571) 272-7704 ((571) 272-7703 for reexamination), or by e-mail to PatentPractice@uspto.gov.

For trademark applications and registrations with a correspondence or owner address in areas of Connecticut, Delaware, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Maryland, Virginia, the District of Columbia, and the Appalachian region affected by Hurricane Sandy in October and November 2012, in which an Office action (final, non-final, or other), a notice of allowance, or other Office notice requiring a response (hereinafter collectively referred to as "Office communication") is outstanding, the USPTO will, upon request, withdraw the Office communication and reissue it. The request must be made prior to the deadline for responding to the Office communication, and represent that the need for the reissuance of the Office communication is due to the effects of Hurricane Sandy in October and November 2012. The request should be sent via e-mail to TMFeedback@uspto.gov, or by mail to Commissioner for

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Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451. If necessary, changes of correspondence address should be provided.

For trademark applications and registrations with a correspondence or owner address in areas of Connecticut, Delaware, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Maryland, Virginia, the District of Columbia, and the Appalachian region affected by Hurricane Sandy as of October 29, 2012, that were abandoned or cancelled due to inability to timely respond to a trademark-related Office communication due to the effects of Hurricane Sandy in October and November 2012, the USPTO will waive the petition fee (set by regulation, rather than statute) to revive the abandoned application or cancelled registration. Either a petition by regular mail to the address set forth in the preceding paragraph, or the Trademark Electronic Application System (TEAS) "Request for Reinstatement" form should be used, and must include a verified statement that the failure to respond to the Office communication was due to the effects of Hurricane Sandy.

Trademark-related inquiries concerning this notice may be directed to the Trademark Office of Petitions by telephone at (571) 272-8950, by facsimile at (571) 273-8950, or by e-mail at TMFeedback@uspto.gov.

The USPTO cannot grant waivers or extensions of dates or requirements set by statute. For example, the following patent-related time periods cannot be extended by the Director: (1) the period set forth in 35 U.S.C. 119(a)-(d) to file a nonprovisional patent application claiming the benefit of a prior-filed foreign application; (2) the twelve-month time period set forth in 35 U.S.C. 119(e) during which a nonprovisional application claiming the benefit of a prior filed provisional application must be filed in order to obtain benefit of the provisional application's filing date;

(3) the copendency requirement of 35 U.S.C. 120 between a parent application which issues as a patent and a later filed child application, which requires that the child application be filed prior to issuance of the parent application; (4) the three-month time period to pay the issue fee set forth in 35 U.S.C. 151; (5) the 35 U.S.C. 304 two-month time period from the date of patentee service, for a requester to file, in an ex parte reexamination, a reply to a statement filed by the patentee; and (6) the 35 U.S.C. 314(b)(2) thirty-day time period from the date of service, for a requester to file, in an inter partes reexamination, written comments addressing issues raised by an Office action or the patentee's response to the action. The following statutory trademark-related time periods cannot be extended and statutory fees cannot be waived by the Director: (1) the 36-month period set forth in 15 U.S.C. 1051(d) within which a statement of use must be filed and the associated fee(s); (2) the periods set forth in 15 U.S.C. 1058, 1141(k) for filing affidavits of continued use or excusable nonuse and the associated fee(s); (3) the period set forth in 15 U.S.C. 1059 for filing a renewal and the associated fee(s); and (4) the periods set forth in 15 U.S.C. 1063 and 1064 for filing an opposition or cancellation proceeding at the Trademark Trial and Appeal Board.

November 21, 2012

DAVID J. KAPPOS

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office